

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NITETEK LICENSING LLC,	:	
	:	
Plaintiff,	:	21cv4738 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
EVBOX NORTH AMERICA INC.,	:	
	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

The plaintiff in this action has repeatedly failed to comply with the Court's scheduling orders. An Order of July 7, 2021 required the plaintiff to file an amended complaint or respond to the defendant's motion to dismiss by July 27, 2021; the plaintiff did neither by the deadline. On August 4, plaintiff's counsel David deBruin -- who had not previously appeared on behalf of the plaintiff, is not admitted to practice in the United States District Court for the Southern District of New York, and had not moved for admission pro hac vice -- requested an extension of the deadline to file an amended complaint to August 10, claiming that local counsel had not made him aware of the Court's scheduling order. In an Order of August 4, deBruin's request to extend the deadline was granted, but the Court required deBruin to apply for admission pro hac vice by August 10 and to retain alternate local counsel by that

date. Plaintiff's counsel did not request an extension of the deadline and does not appear to have complied with the requirements of the August 4 Order.

On August 13, a member of this Court's chambers staff contacted deBruin to inquire about his intent to comply with the requirements of the Court's scheduling orders. Later that day, deBruin filed a letter on ECF in which he claimed that he could not move for admission pro hac vice because he had not received certificates of good standing from the other courts in which he is admitted. The letter did not explain what steps deBruin had taken to comply with the other requirements of the August 4 Order, nor did it explain why he failed to timely request an extension of the deadlines prescribed by the August 4 Order. The letter also reported that the parties have reached a settlement agreement in principle, and that they will request a stay of all pending deadlines to allow for completion of the settlement agreement. Accordingly, it is hereby


ORDERED that deBruin shall file by **August 18** a letter explaining what, if any, steps were taken on or before August 10 to comply with the August 4 Order.

IT IS FURTHER ORDERED that, to the extent he has not already done so, deBruin shall forthwith apply for pro hac vice admission and arrange for alternate local counsel to file a notice of appearance on behalf of the plaintiff.

IT IS FURTHER ORDERED that, by **August 18**, the plaintiff shall file either an amended complaint or a joint stipulation requesting a stay of all deadlines nunc pro tunc.

IT IS FURTHER ORDERED that the plaintiff's failure to timely comply with the requirements of this Order may result in the imposition of sanctions on plaintiff or plaintiff's counsel.

Dated: New York, New York
August 16, 2021



DENISE COTE
United States District Judge